

**U.S. Department of the Interior  
Bureau of Land Management**

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**ENVIRONMENTAL ASSESSMENT**

**DOI-BLM-AZ-C030-2013-0016-EA**

**2930, 2932**

**Parker 4 Wheelers 27<sup>th</sup> Annual St. Patrick's Day Poker Run**

**Rodney Hayes, Parker 4-Wheelers 4x4 Club**

La Paz County, AZ

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# **1. CHAPTER 1 - INTRODUCTION**

## **A. Project Location**

LEGAL: Starting and Ending Location: T10N W19W Section 1  
Course: T9N W19W – T10N R 15W

The proposed activity and routes all occur east of Parker, Arizona. Climate, terrain, and other general physical components are typical of the northwest Sonoran desert environment. The proposed activity would utilize existing routes, otherwise open to the public, across public land and including segments of the Parker 425 race course and some La Paz County maintained roads (map attached).

A Special Recreation Permit application has been filed proposing commercial, organized use for OHV routes across public land administered by the Lake Havasu Field Office (LHFO). The permit application proposes an opportunity to offer and deliver a motorized Off-highway vehicle event on existing roads and routes in association with the annual St. Patrick's Day holiday. (see **Appendix D map**).

## **B. Project Background**

A Special Recreation Permit application has been filed proposing an organized OHV Poker Run event on public land administered by LHFO. The permit application proposes to provide a motorized OHV event on existing routes to the public for a fee. The course would consist of a 70 mile loop course with five card stops. Event staging would take place at the intersection of Osborne Wash and Shea Rd. west of Colorado River Indian Tribe lands. Overnight camping and two portable toilets would be permitted. The Parker 4 Wheelers have held this event 26 years in a row.

## **C. Purpose and Need for the Proposed Action**

The purpose of this action is to respond to a Special Recreation Permit application that would provide an accessible, safe, and enjoyable motorized event across BLM public lands in the Parker, AZ area administered by the LHFO. The need for this action established by CFR 2930 Recreation Permits and Fees (2.b Special Recreation Permits)

## **D. Decision to be made**

The BLM would decide whether or not to authorize Rodney Hayes of the Parker 4 Wheelers to conduct a commercial, motorized Poker Run on the authorized routes following all pertinent stipulations.

## **E. Scoping and Issues**

The Proposed Action was presented to the LHFO interdisciplinary NEPA team on March 5, 2013. Potential connected actions to resources were identified to: Cultural, Wildlife, and Recreation.

- Are there BLM sensitive plant and wildlife species in the Proposed Action? Could potential impacts be minimized?
- Is critical wildlife habitat found within the Proposed Action? Could potential impacts be minimized?
- What potential impacts could the Proposed Action have on cultural sites? Could potential impacts be minimized?
- What potential impacts could the Proposed Action have on existing outdoor recreation opportunities? Could potential impacts be minimized?

## **2. CHAPTER 2 - PROPOSED ACTION AND ALTERNATIVES**

### **A. No Action Alternative (Alternative 1)**

The No Action Alternative would deny the issuance of the SRP as requested by Rodney Hayes of the Parker 4 Wheelers. The applicant would not be able to conduct the proposed Poker Run as viable options without use of public land do not exist. This would result in the loss of recreational opportunity in the Parker, AZ area. No direct or indirect impacts would occur to the affected environment under the No Action Alternative. The existing routes would remain open for vehicle use.

### **B. Alternative 2 (Alternatives Eliminated from Detailed Analysis)**

No other alternatives were proposed by the applicant for detailed analysis.

### **C. Alternative 3 (Proposed Action)**

A special recreation permit application has been filed by Rodney Hayes of the Parker 4 Wheelers 4x4 Club requesting an organized OHV Poker Run event, on an authorized course across public lands in La Paz County, east of Parker, Arizona administer by LHFO

The Proposed Action would consist of up to 150 vehicles, traveling a single loop on an approximately 70 mile designated route. This route would begin and end .5 mile north of Shea Road in Osborne Wash (**See Appendix D Map**). Overnight camping, two portable toilets, and vehicle staging would be permitted on disturbed lands at the start and end location. The proposed recreation activity is a "Poker Run", a motorized scenic touring event where participants driving OHV's, jeeps, dune buggies, All Terrain Vehicles, and modified vehicles would stop at up to 5 predetermined locations and collect a total of five cards emulating a game of stud poker. Upon completion of the 70 mile route, and collecting the five playing cards, the participant with the best "hand" would win a trophy and/or other prizes. The proposed

Poker Run would begin approximately at 8:30am, on March 16, 2013 and traveling the designated route to be completed at approximately 4:00pm at the same location where it began.

A Public Land Closure is not necessary, as the authorized route would remain open to public use. This would not be a not a competitive speed event. The event activity would begin and ends at the same location on public land one mile east of the Colorado River Indian Tribes boundary. This event has been permitted since 1995

#### **D. Conformance with Land Use Plan**

The Proposed Action complies with the *Lake Havasu Field Office Resource Management Plan* (RMP) approved on May 10, 2007 and is in conformance with the RMP, even though it is not specifically provided for. It is consistent with the following RMP objectives, terms and conditions:

- Page 103, Special Recreation Permits and Vendor permits will be monitored for compliance and effectiveness on an as-needed basis through the NEPA process.
- Page 117, Monitoring: The interim route network includes the “Existing Roads and Trails” as defined by the Route Inventory Maps. The inventory maps include routes already designated in previous activity plans and these designations still apply. These areas/routes will be monitored for compliance.

#### **E. Relationship to Statutes, Regulations, or Other Plans**

The Proposed Action is in accordance with 43 CFR, Part 2930, Use Authorizations, and Subpart 2932. These laws require Special Recreation Permits for organized recreation activities on BLM administered public lands. This proposal has been submitted within the guidelines of the Bureau of Land Management (BLM) Manual 2932, and H-2932-1 regulations and policies. In addition, other federal laws and regulations that apply are the National Environmental Policy Act, Endangered Species Act and the Federal Land Policy Management Act.

### **3. CHAPTER 3 - AFFECTED ENVIRONMENT**

This section describes the existing conditions of the affected environment. The table below summarizes the resources and concerns reviewed for this project. Resources not present within the project study area, as well as those present and not affected, are not discussed. Those resources that have been identified by an interdisciplinary team as present and potentially affected are discussed below.

#### **A. General Project Setting**

Climate, terrain, and other general physical components are typical of the northwest Sonoran desert environment. The landscape consists of rugged desert mountains, and sparse vegetation separated by a series of washes and drainage areas. Routes consist of county maintained roads, mining routes, jeep trails, and navigable washes.

## B. Resources / Concerns

The following table is a list of resources/concerns that were considered in this Environmental Assessment. Resources/concerns either not present or would not be affected by the Proposed Action will not be addressed further in this Environmental Assessment.

<b>PROJECT RESOURCE REVIEW</b>			
<b>Resources &amp; Programs Considered</b>	<b>Not Present</b>	<b>Present and Not Affected</b>	<b>Present and/or Potentially Affected</b>
Air Quality*		X	
Areas of Critical Environmental Concern	X		
Cultural & Paleontological Resources*			X
Environmental Justice*	X		
Farmlands (Prime or Unique)	X		
Fish Habitat*	X		
Floodplains*	X		
Forests and Rangelands*	X		
Fuels/Fire Management	X		
Grazing	X		
Hazardous or Solid Wastes*	X		
Invasive & Non-Native Species		X	
Lands & Realty	X		
Law Enforcement	X		
Migratory Birds*		X	
Minerals		X	
Native American Religious Concerns*	X		
Noise	X		
Public Health & Safety		X	
Recreation			X
Socioeconomics	X		
Soils		X	
Threatened or Endangered Species*		X	
Travel Management		X	
Vegetation		X	
Visual Resources	X		
Water Quality (Drinking or Groundwater)*	X		
Wetlands/Riparian Zones*	X		
Wild & Scenic Rivers*	X		
Wild Horses/Burros	X		
Wilderness*		X	
Wildlife			X

\*Consideration Required by Law or Executive Order

## **Present and Not Affected**

**Air Quality** The Proposed Action area is not within a non-attainment area. The Poker Run would create a minor, temporary increase in vehicle emissions and particulates, however overall air quality would not be affected.

**Invasive & Non-Native Species** Although invasive, non-native species may occur within the proposed project area, the proposed event would be limited to existing roads and routes and would not change the overall occurrence or distribution of invasive, non-native species. Stipulations in the Special Recreation Permit would further reduce the likelihood of inadvertent spread of invasive, non-native plant species.

**Migratory Birds** Multiple species of migratory birds occur along the proposed tour routes. The noise and disturbance created from the UTV's and or people stopping at card locations might flush birds from their nests but as these activities are of a short duration. Birds would be able to return to their nests after the UTVs pass and resume nesting without negatively affecting the survivability of eggs or nestlings.

**Minerals** The Proposed Action would not result in any damage or modification of any existing mining claims in the area and would not affect the mineral resources of the area.

**Public Health and Safety** The proposed Poker Run would not be a speed competition event. Stipulations in the Special Recreation Permit would require the permittee to provide an emergency action plan and carry a list of local emergency contacts on each tour.

**Soils** The Proposed Action would remain on existing roads and routes, and would not affect overall soil conditions or cause conditions that could lead to soil erosion.

**Threatened and Endangered Species** Sonoran Desert tortoise, a federal Candidate species, occurs along the proposed Poker Run route. The noise and disturbance created from the UTV's and or people stopping at card locations might disturb tortoise, but as these activities are of a short duration tortoise would be able to return to normal activities after the UTVs pass. Stipulations in the Special Recreation Permit would further reduce the likelihood of inadvertent harm to desert tortoise. Participants would not be permitted to handle tortoise.

**Travel Management** Potential impacts associated with touring vehicles on authorized roads and trails would remain the same. All authorized routes would remain open for public use. Only designated open by the Lake Havasu Field Office RMP's and/or Travel Management Plan would be proposed for touring operations. Overall, effects to Travel Management are negligible.

**Vegetation** Diverse types of vegetation occur along the proposed routes but no UTV Travel is permitted off of existing designated routes so no vegetation would be crushed as a result of these tours.

**Wilderness** The Proposed Action utilizes wilderness boundary routes open to public use. Since Poker Run participants are required to stay on designated routes, and wilderness boundaries are



signed or delineated with post and cable boundaries there would be no impact to wilderness.

## **Present and/or Potentially Affected**

### **1. Cultural and Paleontological Resources**

BLM is required to identify, evaluate, and protect all cultural resources on public lands under its jurisdiction. These resources are not limited to registered properties (i.e. National Register of Historic Places). Also, BLM must ensure that BLM initiated or authorized actions do not harm or destroy cultural resources on nonfederal lands.

Recorded sites and artifacts found within the proposed project area indicate continuous occupancy dating from about 5,000 B.C. Trails, sleeping circles, shrines, intaglios, lithic scatters, quarries, and trail markers indicate both Archaic and later Patayan occupation. During the Protohistoric and Historic periods the region was used by the Hualapai, Western Yavapai, and Halchidoma aboriginal groups. The Mohave and their ancestors may also have used the resources of the area. The Spanish traveled through the area between the 1500s and 1700s, searching for mines and Indian villages. In the 19<sup>th</sup> and early to mid-20<sup>th</sup> centuries activity centered on ranching and copper, gold, and silver mining.

### **2. Recreation**

The project area provides year round, multi-use opportunities in outdoor recreation. Local and traveling visitors utilize public lands within the project area to off-road, hike, horseback ride, camp, hunt, rock hound, target shoot, enjoy nature, and socialize. Lands within the project area provide diverse recreational opportunities in close proximity to backcountry-urban interfaces while extensive route networks deliver access to semi-primitive recreational settings. The proposed Poker Run routes are open to free, year round public use.

### **3. Wildlife**

Multiple species of wildlife exist along the proposed Poker Run route. Several species of mammals may utilize the woodland washes as corridors for traveling, food, and shelter. When washes are utilized for roads these species are disturbed and must flee to other non-preferred areas of the desert. Some of the species that have been observed in the area and utilize habitat that the proposed route goes include desert bighorn -sheep (*Ovis canadensis*), desert mule deer (*Odocoileus hemionus*), black tail jackrabbit (*Lepus californicus*), desert cottontail (*Sylvilagus auduboni*), desert woodrat (*Neotoma lepida*), cactus mouse (*Peromyscus eremicus*), bobcat (*Lynx rufus*), mountain lion (*Felis concolor*), coyote (*Canis latrans*), kit fox (*Vulpes macrotis*), ringtail (*Bassariscus astutus*), and various species of bats.

## **4. CHAPTER 4 - ENVIRONMENTAL CONSEQUENCES**

### **A. Potential Direct and Indirect Effects**

This section describes the environmental consequences of those resources/concerns identified in Chapter 3 as present and/or potentially affected. Resources not present within the project study area, as well as those present and not affected, are not discussed.

#### **1. Cultural and Paleontological Resources**

##### **a) No Action**

Under the No Action Alternative, the BLM would not issue a SRP for a Poker Run event to Rodney Hayes of the Parker 4 Wheelers. There would be no effect to general wildlife because the tours would not occur. The potential for effects to cultural and paleontological resources caused by on-going activities present in the project area, such as the use of roads and trails by motorized vehicles, would be expected to continue.

##### **b) Proposed Action**

Under the Proposed Action, the proposed Poker Run would be confined to existing designated roads, the presence of vehicles and tourists could cause short term disturbances and displacement of wildlife. Collection of artifacts would be prohibited. The timing and duration of the event is short term and limited to one day. Direct effects to heritage resources may include site erosion or damage to artifacts from OHV travel as well as potential looting or removal of artifacts from nearby sites by event participants.

#### **2. Recreation**

##### **a) No Action Alternative**

Under the No Action Alternative, the BLM would not issue a SRP for a Poker Run event to Rodney Hayes of the Parker 4 Wheelers. Other recreation events and year round actions permitted by LHFO in the Parker, AZ area would continue to exist.

##### **b) Proposed Action**

Under the Proposed Action, recreation opportunities would increase in the project area. The proposed course would be temporarily marked with bright flagging and/or directional arrows to keep participants on route and avoid affecting opportunities for public multi-use recreation. The permittee would not, by virtue of the permit, have exclusive use of the authorized routes and all routes would remain open to the public. Thus, no displacement of recreation use is anticipated and any change in total number of vehicles on the authorized routes would be minimal.

### **3. Wildlife**

#### **a) No Action Alternative**

Under the No Action Alternative, the BLM would not issue a SRP for a Poker Run event to Rodney Hays of the Parker 4 Wheelers. There would be no effect to general wildlife because the tours would not occur. Effects to general wildlife caused by on-going activities present in the project area, such as the use of roads and trails by motorized vehicles, would be expected to continue.

#### **b) Proposed Action**

Under the Proposed Action, the Poker Run course would be confined to existing designated roads. The presence of vehicles and tourists could cause short term disturbances and displacement of wildlife. Harassment of wildlife would be prohibited. The timing and duration of the event is short term and limited to one day. Any effects to wildlife would be temporary and minimal. Temporary disturbance, limited stops along the proposed tour routes, and special stipulations in the Special Recreation Permit would reduce the likelihood of impacts to wildlife. No direct, indirect or cumulative effects are anticipated.

### **B. Mitigation Measures for the Proposed Action**

Design measures built into the Proposed Action would limit the potential for impacts to resources present in the project area. Direct effects to present and potentially impacted resources can be mitigated by stipulating: The Proposed Action would be limited to designated routes and previously identified card stops. The permittee would issue warnings against cross country travel as grounds for disqualification.

1. Mitigating measures are stipulated in Appendix A for Cultural, Recreation and Wildlife resources regarding OHV use for resource protection and public safety.
2. Monitoring will be conducted by law enforcement and/or park rangers for previously mentioned resource protection and public safety.

### **C. Cumulative Effects**

Cumulative impacts are the effects on the environment that may result from the incremental impact of the Proposed Action or No Action alternative in combination with other past, present, and reasonably foreseeable future actions on BLM managed lands, as well on those lands under other jurisdictions that are adjacent to or within BLM boundaries. Cumulative impacts must consider the likely effect of the Proposed Action or No Action alternative when combined with these additional actions.

#### **1. Past and Present Actions**

Historically, the Buckskin Mountains have been used for mining and mineral extraction. The jeep and mining trails are popular for all types of OHV's, including highly modified jeeps and other vehicles that can traverse and climb rocky narrow trails not suitable for stock 4x4 vehicles. Routes are inventoried and contribute to a network of specialized vehicle routes known as recreation zones. The Parker 4 Wheelers 4x4 Club Poker Run has been permitted for this event

for 26 years. Some of the route segments along the proposed route are also permitted by LHFO for use in the Parker 425 race events.

## **2. Reasonably Foreseeable Action Scenario**

The Parker 4 Wheelers 4x4 Club would be authorized to deliver the proposed motorized Poker Run and provide a unique recreation experience for the participants while adhering to all resource stipulations. Event monitoring would also help determine permit compliance and future permitting actions.

## **3. Cumulative Effects to Resources**

This analysis addresses the resources and concerns from Chapter IV Environmental Consequences. Being a one day event, limited to highly and specially modified OHVs, any cumulative effects are anticipated to be minimal and temporary. Cumulative effects are not anticipated for Cultural/Paleontological Resources, Recreation and Wildlife Management Resources.

# **5. CHAPTER 5 - TRIBES, INDIVIDUALS, ORGANIZATIONS OR AGENCIES CONSULTED**

### BLM/Lake Havasu Field Office

Doug Adams, Fisheries and Wildlife Biologist  
Amanda Deeds, Outdoor Recreation Planner  
Dr. George Shannon, Archaeologist

### Other Participating Staff

David Daniels, CRD Planning & Environmental Coordinator

# **6. CHAPTER 6 – REFERENCES, GLOSSARY**

## **A. Glossary of Terms**

**ACCESS:** The ability to legally make use of route or way across public or private lands; without barriers to use by the public or a specified user.

**AUTHORIZED:** Invested with legal authority through a written agreement, permit, or other legal document by the BLM.

**BIOLOGICAL EVALUATION:** The gathering and evaluation of information on proposed endangered and threatened species and critical and proposed critical habitat for actions that do not require a biological assessment.

**CAMPING, SHORT TERM:** Camping for short terms of up to 14 days (in any 28-day period) on BLM-managed primitive or undeveloped public land.

**DECISION RECORD:** A manager's decision on a categorical exclusion review or an environmental assessment. Comparable to the record of decision for an environmental impact statement, the decision record includes: 1) a finding of no significant impact, 2) a decision to prepare an environmental impact statement, or 3) a decision not to proceed with a proposal. Also

see RECORD OF DECISION.

**DESIGNATED ROADS AND TRAILS:** Legal term used in CFR 8340 — OFF ROAD VEHICLES as a type of limited area designation. The term “roads and trails” includes all types routes use by off highway vehicles.

**ENDANGERED SPECIES:** An animal or plant species that is in danger of extinction throughout all or a significant portion of its range (as defined in the Endangered Species Act Amendments of 1982). Also see THREATENED SPECIES.

**ENVIRONMENTAL ASSESSMENT (EA):** A concise public document for which a federal agency is responsible. An EA serves: 1) to briefly provide enough evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact and to aid an agency’s compliance with the National Environmental Policy Act when no EIS is needed; and 2) to facilitate preparing an EIS when one is needed. Also see ENVIRONMENTAL IMPACT STATEMENT

**EXISTING ROADS AND TRAILS:** Legal term used in CFR 8340 — OFF ROAD VEHICLES as a type of limited area designation. The term “roads and trails” includes all types routes use by off-highway vehicles. For the LHFO RMP “existing roads and trails” would be those roads and trails identified on the Route Inventory Maps as of the date of the Record of Decision.

**FEDERAL LAND POLICY AND MANAGEMENT ACT (FLPMA):** The act that: 1) set out, for the Bureau of Land Management, standards for managing the public lands including land use planning, sales, withdrawals, acquisitions, and exchanges; 2) authorized the setting up of local advisory councils representing major citizens groups interested in land use planning and management; 3) established criteria for reviewing proposed wilderness areas; and 4) provided guidelines for other aspects of public land management such as grazing.

**HABITAT:** The natural environment of a plant or animal: 1) Specific parameters of physical conditions used by a single species, a group of species, or a large community. The major components of habitat are generally considered to be food, water, cover, and living space;

**LAND USE PLAN DECISION:** Establishes desired outcomes and actions needed to achieve them. Decisions are reached using the BLM planning process. When they are presented to the public as proposed decisions, they can be protested to the BLM Director. They are not appealable to Interior Board of Land Appeals.

**MANAGEMENT ACTIONS:** Land use plans must identify the actions needed to achieve the desired outcomes, including actions to restore or protect land health. These actions include proactive measures (e.g., measures that will be taken to enhance watershed function and condition) as well as measures or criteria that will be applied to guide day-to-day activities occurring on public land.

**MINING CLAIM:** A mining claim is a selected parcel of Federal Land, valuable for a specific mineral deposit or deposits, for which a right of possession has been asserted under the General Mining Law. This right is restricted to the development and extraction of a mineral deposit. The rights granted by a mining claim protect against a challenge by the United States and other claimants only after the discovery of a valuable mineral deposit. The two types of mining claims are lode and placer. In addition, mill sites and tunnel sites may be located to provide support facilities for lode and placer mining.

**MONITORING:** The collection of information to determine the effects of resource management and detect changing resource trends, needs, and conditions.

**NATIONAL HISTORIC PRESERVATION ACT OF 1966, AS AMENDED (NHPA):** A federal statute that established a federal program to further the efforts of private agencies and

individuals in preserving the Nation's historic and cultural foundations. NHPA 1) authorized the National Register of Historic Places, 2) established the Advisory Council on Historic Preservation and a National Trust Fund to administer grants for historic preservation, and 3) authorized the development of regulations to require federal agencies to consider the effects of federally assisted activities on properties included on or eligible for the National Register of Historic Places.

**OFF-HIGHWAY VEHICLE (OHV):** Any vehicle capable of or designed for travel on or immediately over land, water, or other natural terrain, deriving motive power from any source other than muscle. OHVs exclude: 1) any non-amphibious registered motorboat; 2), any fire, emergency, or law enforcement vehicle while being used for official or emergency purposes; 3) any vehicle whose use is expressly authorized by a permit, lease, license, agreement, or contract issued by an authorized officer or otherwise approved; 4) vehicles in official use; and 5) any combat or combat support vehicle when used in times of national defense emergencies.

**PALEONTOLOGICAL RESOURCES (FOSSILS):** The physical remains of plants and animals preserved in soils and sedimentary rock formations. Paleontological resources are important for understanding past environments, environmental change, and the evolution of life.

**PUBLIC LANDS:** As defined by Public Law 94-579 (Federal Land Policy and Management Act of 1976), lands and interest in land owned by the United States and administered by the Secretary of the Interior, through BLM, regardless of how the United States acquired possession. In common usage, public lands may refer to all federal land, no matter what agency manages it.

**PUBLIC USE:** A cultural property is eligible for consideration as an interpretive exhibit-in place, a subject of supervised participation in scientific or historical study, a subject of unsupervised collecting under permit or related educational and recreational uses by members of the general public.

**RESOURCE MANAGEMENT PLAN (RMP):** A BLM planning document that is prepared in accord with Section 202 of FLPMA that presents systematic guidelines for making resource management decisions for a resource area. An RMP is based on an analysis of an area's resources, its existing management, and its capability for alternative uses. RMPs are issue oriented and developed by an interdisciplinary team with public participation.

**ROUTE:** any motorized, non-motorized, or mechanized transportation corridor. Corridor may either be terrestrial or a waterway. "Roads," "trails," and/or "ways" are considered routes.

**SPECIAL RECREATION PERMIT (SRP):** An authorization that allows for specific nonexclusive permitted recreational uses of the public lands and related waters. SRPs are issued to control visitor use, protect recreational and natural resources, and provide for the health and safety of visitors, and accommodate commercial recreational uses.

**TRAVEL MANAGEMENT NETWORK:** A system that addresses access requirements to public lands. This includes, but is not limited to: Title 5 rights-of-way, RS 2477 Roads, OHV routes, county maintained roads, trails (hiking, equestrian, bike, and vehicular), authorized or permitted uses (ranchers, miners, and other agencies), and ADA needs. The network aims to also improve the lack of legal access to public lands over private or state lands.

**TREAD LIGHTLY:** A not-for-profit organization whose mission is to increase awareness of ways to enjoy the great outdoors while minimizing human impacts

**WASH:** A channel or miniature valley cut by concentrated runoff but through which water commonly flows only during and immediately after heavy rains, or while snow is melting.

**WILDERNESS:** Area designated by Congress to protect their wilderness values or characteristics as described under the Wilderness Act of 1964.



**WILDLIFE:** A broad term that includes birds, reptiles, amphibians, and non-domesticated mammals.

## **B. List of Acronyms**

BLM - Bureau of Land Management  
CFR - Code of Federal Regulations  
LHFO- Lake Havasu Field Office  
NEPA - National Environmental Policy Act  
OHV - Off Highway Vehicle  
RMP - Resource Management Plan  
SRP - Special Recreation Permit  
SHPO - State Historic Preservation Officer  
WA – Wilderness Area  
WSA - Wilderness Study Area

## **7. APPENDICES**

### **A. Appendix A – Stipulations**

#### **1. General**

1. The permittee shall comply with all Federal, State, and Local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
2. A Special Recreation Permit authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations.
3. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
4. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.

5. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, the authorized officer may approve contracting of equipment or services in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
6. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
7. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
8. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileged of the permittee's SRP.
9. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
10. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
11. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three (3) years after expiration of the permit.
12. The term of the permit shall be for one year from the issuance of the permit on March 16, 2013 and has the potential to be renewed for no more than ten years total with satisfactory performance of SRP.
13. A Yearly Use Report shall be submitted to the BLM Authorized Officer, and will include a detailed summary of the number of vehicles, along with the number of drivers and passengers involved. If the Yearly Use Report is not received by the established deadline of April 19, 2013 then the permit will be suspended and/or fines assessed.



14. The applicant/permittee is required to provide the Authorized Officer with a copy of a valid insurance policy or proof thereof covering the periods of use, before any use under this permit begins. The required minimum general liability limits are: \$500,000 per occurrence and \$1,000,000 annual aggregate for bodily injury; and \$30,000 annual aggregate for property damage. The U.S. Government must be named as additional insured on the policy. All liability policies are to specify that the insurance company shall have no right of subrogation (substitution) against the United States of America. The permittee shall indemnify and hold harmless the United States against any liability for personal injury, loss of life, or property damage arising in any way from activities under the permit.
15. The permittee shall pay BLM a Special Recreation Permit (SRP) fee of \$100, effective March 16, 2013. The permittee shall pay BLM 3% of the gross receipts; or the minimum SRP fee, whichever is greater. The minimum advance fee of \$100.00 will be required.
16. The permit will remain valid only if annual fees have been paid.
17. The permittee shall notify the authorized officer of any accident that occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.
18. The permit shall not be construed in any way as preventing public use or access on any public lands except as expressly allowed under the permit.
19. Failure to comply with permit stipulations may result in denial of future permit authorizations for these events, or revocation of permits already issued.

#### Ride Operations

20. All motorized equipment activity associated with stopping areas, including Start/Finish, Photo Opportunity, Water, Lunch or Restroom Breaks will be conducted within the traveled portion of the road and/or predetermined stopping locations. No vehicle travel (including parking, turn-around, detours, etc.) outside of this corridor will be permitted unless authorized in advance by the BLM Authorized Officer.
21. All vehicles shall stay on the authorized routes. Straying from the course is prohibited. In the event of vehicle breakdown, vehicles shall be moved to the side of the road, but shall not be moved into areas of existing vegetation. All vehicles shall be removed from the site within 24 hours of the end of the event.
22. No servicing of any motor vehicle will be permitted on any public land. In the event of mechanical trouble, vehicles will be transported to an appropriate service facility or location.

23. In the event of vehicles leaving the established road (for whatever reason), removal of the vehicle and reclamation of disturbed areas will be required to the satisfaction of the BLM Authorized Officer, including raking of surface disturbance, appropriate removal of spilled oil/fuel, re-vegetation, etc.
24. Nothing in this permit implies permission to use non-Federal land administered by the BLM. It shall be the responsibility of the permittee to coordinate the event with Arizona State Lands Department (ASLD) as necessary, and to obtain written authorization to cross or utilize non-BLM administered land such as ASLD, Tribal Lands, Mohave County Road Department, Arizona Department of Transportation, and private property.
25. Under no circumstances shall the permittee permanently mark the routes by placing signs, painting rocks or painting plants.
26. The number of trips per day is limited to ride schedule as stated in the Proposed Action.
27. All gates along the routes shall be left as they are found.
28. Permittee would be responsible for handling emergency situations by calling 911 and/or appropriate emergency services.
29. In the event that a vehicle injures livestock, BLM personnel and/or the grazing permittee in the area will be immediately contacted to make an evaluation of the animal's condition. Under no circumstance will any person other than BLM personnel or the animal's owner be permitted to make a final evaluation of the animal's condition, or to destroy an animal that appears to be suffering.
30. All motor vehicle use will be conducted in a safe manner; reckless driving and/or excessive speed are permit violations.
31. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
32. All motor vehicle use will comply with existing local off-highway vehicle regulations. "Local off-highway vehicle regulations" refer to BLM Off-highway vehicle designations on BLM administered lands as established in the Resource Management Planning process, or in emergency closures authorized by a BLM manager.

#### Roadway Surface Concerns

1. BLM reserves the right to postpone or cancel the tours if weather conditions create a soft road surface that would be conducive to unacceptable road damage by tour vehicles.

2. Permittee would monitor road conditions for ruts greater than two inches deep. If such conditions occur during a run, the motorized operations would cease until road conditions improve.

## **2. Cultural:**

1. Permittee shall comply with all State and Federal laws relating to prehistoric or historic archaeological sites or artifacts. Actions other than those explicitly approved by the Bureau of Land Management which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands.
2. The collection of artifacts or disturbance of archaeological resources on Federal Lands is prohibited and is prosecutable under the Archaeological Resources Protection Act. Disturbance of human graves are also prohibited. Actions other than those explicitly approved by the Bureau of Land Management, which result in impacts upon archaeological or historical resources, shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended and the Federal Land Policy and Management Act of 1976. The permittee will immediately bring to the attention of the Authorized Officer any archaeological or historical resources encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.
3. Special collection of artifacts (either historic or prehistoric) or fossils, by permittee or participants on or near any designated route is prohibited. The definition of an artifact is anything over 50 years old that has been made, used or modified by a human. Permittee is required to inform all participants that collecting artifacts, theft or vandalism of any cultural property is a violation of the above mentioned Federal and/or State laws.

## **3. Recreation:**

1. By virtue of the permit, the permittee is allowed to use public routes across public land while conducting a motorized Poker Run on designated routes. Vehicle safety and safe driving techniques are to be stressed to all participants.
2. All permitted designated routes remain open for public use; the permittee has no exclusive use of any public route.
3. All trash and litter, as a result of the activity will be disposed of in a proper manner.
4. All vehicle use is limited to the designated routes: All vehicle use will be conducted in a safe manner, reckless driving and/or excessive speed is a permit violation and is prohibited.
5. No overnight camping use, wood, or rock collection is associated with this permit.
6. The permittee is expected to be familiar with and to practice "Leave No Trace" and "Tread Lightly" land use ethics principles.
7. Permittee and all tour participants are prohibited from stopping at, or entering any and all known and unknown abandoned mine features.
8. Any open mine shafts, abandoned mine structures, and/or wilderness intrusion's observed by the permitted would be documented and reported to the BLM Authorized Officer within 24 hours

of discovery.

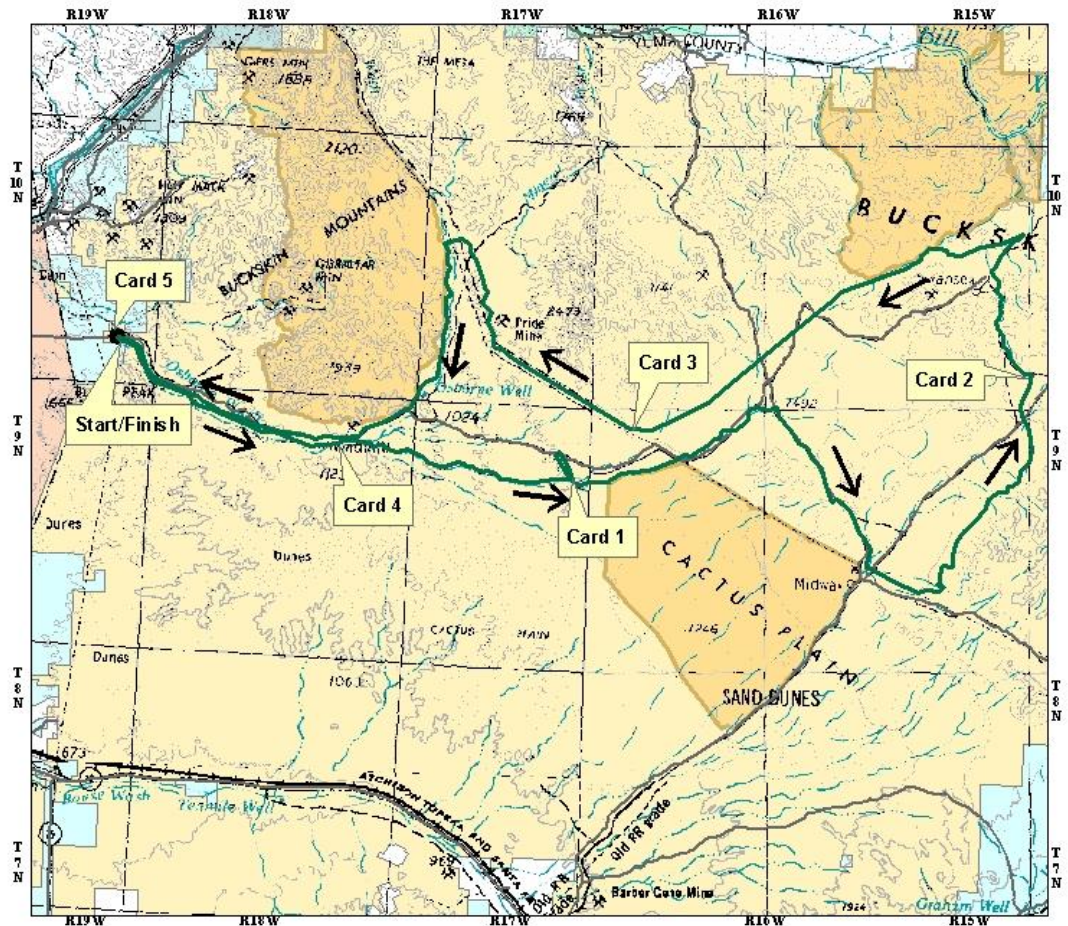
#### **4. Wildlife, Desert Tortoise and Protected Plants:**

1. Desert Tortoise. Care shall be taken not to disturb or destroy tortoises or their burrows. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Law. During all tours special care should be given to watch for and avoid any desert tortoise that may be present on a roadway.
2. Handling of Desert Tortoise. If a tortoise is endangered by any activity that activity shall cease until either the tortoise moves out of harm's way of its own accord, or until the authorized biologist is able to remove the tortoise to safety. Tortoises shall be handled only by a BLM authorized Wildlife Biologist, and shall be moved solely for the purpose of preventing death or injury. The authorized biologist shall be responsible for taking appropriate measures to ensure any desert tortoise relocated from the project site is not exposed to temperature extremes which could be harmful to the animal.
3. Inspection under Vehicles. If a vehicle is left for any occasion the driver shall inspect underneath any parked vehicles immediately prior to moving the vehicles. If a desert tortoise is beneath the vehicle, the authorized Biologist shall move the tortoise from harm's way. Alternatively, the vehicle shall not be moved until the desert tortoise has left of its own accord.
4. Native Plants. State protected plant species shall not be disturbed, damaged, or destroyed without prior authorization from the BLM.
5. All wildlife and migratory birds shall be observed from a distance. Any injured wildlife shall be reported to the Arizona Game & Fish Dept. at (928)342-0091.
6. Harassment of wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. The taking of any threatened or endangered plant or animal is prohibited.
7. State protected plant species, including all cacti shall not be disturbed, damaged, or destroyed. The taking of any threatened or endangered plant or animal is prohibited.
8. Participants will be prohibited from approaching bighorn sheep on foot or by vehicle.
9. All migratory birds shall be observed from a distance. Any injured wildlife shall be reported to the Arizona Game & Fish Dept. at (928)342-0091.



## B. Appendix B – Course Map

Parker 4 Wheelers St Patricks Day Poker Run 2013

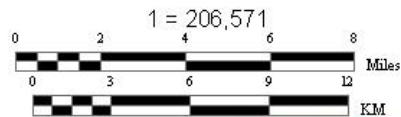


### Legend

Private Lands	Bureau of Land Management (BLM)	BLM Wilderness Area	BLM National Monument
State Lands	National Forest Lands (USFS)	Forest Service Wilderness Area	National Conservation Area
State Wildlife Area	National Park Service (NPS)	NPS Wilderness Area	Military Reservations/Corps of Engineers
City, State, County Parks	US FWS Service, National Wildlife Refuges	US FWS Service Wilderness Area	Bureau of Reclamation (BOR)
County Lands	Indian Lands or Reservations		



United States Department of the Interior  
Bureau of Land Management  
Arizona State Office  
Land Status updated as of August, 2010  
Map created on Mar 07, 2013



The Bureau of Land Management (BLM) makes no representations or warranties regarding the accuracy or completeness of this map. This map does not address encroachments or questions of location, boundary, and area, which an accurate survey may disclose. This map is intended and is to be used as an illustrative only. The map is merely representational, and the data from which it was derived are not binding on the BLM and may be revised at any time in the future. The BLM shall not be liable under any circumstances for any direct, indirect, special, incidental, or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of this map or the data from which it was derived.

## C. Technical Review

<b>Technical Review:</b>					
Supplemental Authorities /Other Resources or Concerns	May Be Affected		If May affect / Mitigations Assigned	Signature Name/Title	Date
	Yes	No			
Air Quality		X			
				<i>Kirk Koch</i>	
Areas of Critical Environmental Concern		X		/s/ George Shannon Authenticated: Amanda Deeds	3/11/2013
				<i>George Shannon</i>	
Cultural Resources/ Paleontological Resources	X			/s/ George Shannon Authenticated: Amanda Deeds	3/11/2013
				<i>George Shannon</i>	
Environmental Justice		X			
				<i>Project Lead</i>	
Farm Lands (Prime or Unique)		X	By definition, there are no “prime farmlands” on BLM-administered lands within LHFO.		
				<i>Project Lead</i>	
Floodplain		X		/s/ Doug Adams Authenticated: Amanda Deeds	3/12/2013
				<i>Doug Adams</i>	
Fuels / Fire Management		X			
				<i>Project Lead</i>	
Human Health and Public Safety		X			
				<i>Bill Parry</i>	
Lands/Realty		X			
				<i>Sheri Aherns</i>	
Migratory Birds		X		/s/ Doug Adams Authenticated: Amanda Deeds	3/12/2013
				<i>Doug Adams</i>	
Minerals		X			
				<i>Amanda Dodson</i>	

Native American Religious Concerns		X		/s/ George Shannon Authenticated: Amanda Deeds	3/11/2013
				<i>George Shannon</i>	
Law Enforcement		X			
				<i>Mike Dodson</i>	
<b>Technical Review:</b>					
Supplemental Authorities /Other Resources or Concerns	May Be Affected		If May affect / Mitigations Assigned	Signature Name/Title	Date
	Yes	No			
Operations/ Engineering Review		X			
				<i>Bill Parry</i>	
Recreation	X			/s/ Amanda Deeds Authenticated: Amanda Deeds	3/12/2013
				<i>Amanda Deeds</i>	
Rangeland		X			
				<i>Project Lead</i>	
Socio-economics		X			
				<i>Project Lead</i>	
Soils		X			
				<i>Kirk Koch</i>	
Threatened or Endangered Species		X		/s/ Doug Adams Authenticated: Amanda Deeds	3/12/2013
				<i>Doug Adams</i>	
Travel Management		X			
				<i>Jennifer House</i>	
Vegetation		X		/s/ Doug Adams Authenticated: Amanda Deeds	3/12/2013
				<i>Doug Adams</i>	
Visual Resources Management		X		/s/ Amanda Deeds Authenticated: Amanda Deeds	3/12/2013
				<i>Amanda Deeds</i>	
Wastes, Hazardous or Solid		X			
				<i>Project Lead</i>	

Water Quality, Drinking or Ground		X			
				Kirk Koch	
Weeds (Invasive & Non Native)		X		/s/ Doug Adams Authenticated: Amanda Deeds	3/12/2013
				Doug Adams	
Wetlands/Riparian Zones		X		/s/ Doug Adams Authenticated: Amanda Deeds	3/12/2013
				Doug Adams	
Wild and Scenic Rivers		X			
				Project Lead	
Technical Review:					
Supplemental Authorities /Other Resources or Concerns	May Be Affected		If May affect / Mitigations Assigned	Signature Name/Title	Date
	Yes	No			
Wild Horses/ Burros		X			
				Project Lead	
Wilderness & WSA		X			
				Project Lead	
Wildlife	X			/s/ Doug Adams Authenticated: Amanda Deeds	3/12/2013
				Doug Adams	

**Compliance and assignment of responsibility:** Recreation

**Monitoring and assignment of responsibility:** Recreation

**Review:**

**Prepared by:** /s/ Amanda Deeds Authenticated: Amanda Deeds  
Amanda Deeds, Outdoor Rec Planner  
Project Lead

3/12/2013  
Date

**Reviewed by:** /s/ Jayson Barangan Authenticated: Amanda Deeds  
Jayson Barangan  
Assistant Field Manager  
Recreation & Visitor Services

3/12/2013  
Date



**Reviewed by:** /s/ Jayson Barangan Authenticated: Amanda Deeds 3/12/2013

Kimber Liebhauser  
Field Manager,  
Lake Havasu Field Office

Date

## **8. FINDING OF NO SIGNIFICANT IMPACT**

### **FINDING OF NO SIGNIFICANT IMPACT**

#### **LAKE HAVASU FIELD OFFICE Parker 4 Wheelers 4x4 Club Off Highway Vehicle Poker Run DOI-BLM-AZ-C030-2013-0016-EA**

### **Background**

A Special Recreation Permit application has been filed proposing an organized OHV Poker Run event on public land administered by LHFO. The permit application proposes to provide a motorized OHV event on existing routes to the public for a fee. The course would consist of a 70 mile loop course with five card stops. Event staging would take place at the intersection of Osborne Wash and Shea Rd. west of Colorado River Indian Tribe lands. Overnight camping and two portable toilets would be permitted. The Parker 4 Wheelers have held this event 26 years in a row.

### **Determination**

On the basis of the information contained in the Parker 4 Wheelers St. Patricks Day Poker Run Environmental Assessment (DOI-BLM-AZ-C030-2013-0016-EA), I have determined that the Proposed Action does not constitute a federal action having a significant effect on the human environment. Therefore an environmental impact statement (EIS) is not required.

This finding is based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the *context* and *intensity* of the impacts described in the EA.

### **Context**

The proposed activity and routes all occur east of Parker, Arizona. Climate, terrain, and other general physical components are typical of the northwest Sonoran desert environment. The proposed activity would utilize existing routes, otherwise open to the public, across public land and including segments of the Parker 425 race course and some La Paz County maintained roads (map attached).

A Special Recreation Permit application has been filed proposing commercial, organized use for OHV routes across public land administered by the Lake Havasu Field Office (LHFO). The permit application proposes an opportunity to offer and deliver a motorized Off-highway vehicle event on existing roads and routes in association with the annual St. Patrick's Day holiday.

The proposed activity would utilize existing routes, otherwise open to the public, across public,

tribal, state, and private lands, as well as municipal streets and State highways. Routes consist of existing routes and county maintained roads within La Paz County.

## **Intensity**

### *1) Impacts that may be both beneficial and adverse.*

The Proposed Action would impact resources as described in the EA. Measures to reduce impacts were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant.

### *2) The degree to which the Proposed Action affects public health or safety.*

The Proposed Action is designed to minimize impacts to health and public safety by requiring an emergency action plan.

### *3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The project area is located on public lands administered by the Lake Havasu Field Office. There are no farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the project area.

### *4) The degree to which the effects on the quality of human environment are likely to be highly controversial.*

Scoping for the Proposed Action and background information was sent to known affected and interested stakeholders. No controversies were identified.

### *5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There are no highly uncertain or unique or unknown risks in implementation of the Proposed Action.

### *6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Proposed Action would not establish a precedent for future actions with significant effects. Any other actions would be subject to separate analysis under NEPA.

### *7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

A cumulative effects analysis was conducted as part of the EA, and it determined that there were no cumulatively significant effects associated with the selected alternative.

*8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss of destruction of significant scientific, cultural, or historical resources.*

The action will not adversely affect National Register of Historic Places sites or cause loss or destruction of significant scientific, cultural, or historic resources. Design features for managing sites that are determined to be potentially impacted by motorized tours may include: limitations on stopping locations and situations prohibiting off trail and route travel, the collection of artifact collection, and disturbance of archaeological sites.

*9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

The action does not adversely affect any endangered or threatened species, or its habitat ,that has been determined to be critical under the ESA.

*10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

The Proposed Action is in conformance with the Lake Havasu Field Office Resource Management Plan. The action does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.

## **FONSI**

I have reviewed this environmental assessment including the discussion of environmental impacts. I have determined that the Proposed Action with the mitigation measures described below will not have any significant impacts on the human environment and that an Environmental Impact Statement is not required. I have determined that the proposed project is in conformance with the approved land use plan.

<u>/s/ Jayson Barangan Authenticated: Amanda Deeds</u>	<u>3/12/2013</u>
Kimber Liebhauser	Date
Field Manager,	
Lake Havasu Field Office	

## 9. DECISION RECORD

### DECISION RECORD

#### LAKE HAVASU FIELD OFFICE Parker 4 Wheelers 4x4 Club Off Highway Vehicle Poker Run DOI-BLM-AZ-C030-2013-0016-EA

##### Introduction

A Special Recreation Permit application has been filed proposing an organized OHV Poker Run event on public land administered by LHFO. The permit application proposes to provide a motorized OHV event on existing routes to the public for a fee. The course would consist of a 70 mile loop course with five card stops. Event staging would take place at the intersection of Osborne Wash and Shea Rd. west of Colorado River Indian Tribe lands. Overnight camping and two portable toilets would be permitted. The Parker 4 Wheelers have held this event 26 years in a row.

##### Public Involvement

The Proposed Action was presented to the LHFO interdisciplinary NEPA team on March 5, 2013. Potential connected actions to resources were identified to: Cultural, Wildlife, and Recreation.

- Are there BLM sensitive plant and wildlife species in the Proposed Action? Could potential impacts be minimized?
- Is critical wildlife habitat found within the Proposed Action? Could potential impacts be minimized?
- What potential impacts could the Proposed Action have on cultural sites? Could potential impacts be minimized?
- What potential impacts could the Proposed Action have on existing outdoor recreation opportunities? Could potential impacts be minimized?

##### Land Use Conformance

The Proposed Action complies with the *Lake Havasu Field Office Resource Management Plan* (RMP) approved on May 10, 2007 and is in conformance with the RMP, even though it is not specifically provided for. It is consistent with the following RMP objectives, terms and conditions:

- Page 103, Special Recreation Permits and Vendor permits will be monitored for compliance and effectiveness on an as-needed basis through the NEPA process.
- Page 117, Monitoring: The interim route network includes the “Existing Roads and Trails” as defined by the Route Inventory Maps. The inventory maps include routes already

designated in previous activity plans and these designations still apply. These areas/routes will be monitored for compliance.

## **Authority**

Implementation of the Proposed Action is under the authority of the Federal Land Policy and Management Act of 1976 and regulations found at 43 CFR 2930.

## **Environmental Commitments**

Cultural resources. As described in Section 3, the proposed Poker Run would be confined to existing designated roads, the presence of vehicles and tourists could cause short term disturbances and displacement of wildlife. Collection of artifacts would be prohibited. The timing and duration of the event is short term and limited to one day. Direct effects to heritage resources may include site erosion or damage to artifacts from OHV travel as well as potential looting or removal of artifacts from nearby sites by event participants.

Recreation. As described in Section 3, recreation opportunities would increase in the project area under the Proposed Action. The proposed course would be temporarily marked with bright flagging and/or directional arrows to keep participants on route and avoid affecting opportunities for public multi-use recreation. The permittee would not, by virtue of the permit, have exclusive use of the authorized routes and all routes would remain open to the public. Thus, no displacement of recreation use is anticipated and any change in total number of vehicles on the authorized routes would be minimal.

Wildlife. As described in Section 3, the proposed Poker Run course would be confined to existing designated roads. The presence of vehicles and tourists could cause short term disturbances and displacement of wildlife. Harassment of wildlife would be prohibited. The timing and duration of the event is short term and limited to one day. Any affects to wildlife would be temporary and minimal. Temporary disturbance, limited stops along the proposed tour routes, and special stipulations in the Special Recreation Permit would reduce the likelihood of impacts to wildlife. No direct, indirect or cumulative effects are anticipated.

## **Special Stipulation**

### **A. Appendix A – Stipulations**

#### **1. General**

1. The permittee shall comply with all Federal, State, and Local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these

requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.

2. A Special Recreation Permit authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations.
3. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
4. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.
5. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, the authorized officer may approve contracting of equipment or services in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
6. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
7. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
8. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileged of the permittee's SRP.

9. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
10. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
11. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three (3) years after expiration of the permit.
12. The term of the permit shall be for one year from the issuance of the permit on March 16, 2013 and has the potential to be renewed for no more than ten years total with satisfactory performance of SRP.
13. A Yearly Use Report shall be submitted to the BLM Authorized Officer, and will include a detailed summary of the number of vehicles, along with the number of drivers and passengers involved. If the Yearly Use Report is not received by the established deadline of April 19, 2013 then the permit will be suspended and/or fines assessed.
14. The applicant/permittee is required to provide the Authorized Officer with a copy of a valid insurance policy or proof thereof covering the periods of use, before any use under this permit begins. The required minimum general liability limits are: \$500,000 per occurrence and \$1,000,000 annual aggregate for bodily injury; and \$30,000 annual aggregate for property damage. The U.S. Government must be named as additional insured on the policy. All liability policies are to specify that the insurance company shall have no right of subrogation (substitution) against the United States of America. The permittee shall indemnify and hold harmless the United States against any liability for personal injury, loss of life, or property damage arising in any way from activities under the permit.
15. The permittee shall pay BLM a Special Recreation Permit (SRP) fee of \$100, effective March 16, 2013. The permittee shall pay BLM 3% of the gross receipts; or the minimum SRP fee, whichever is greater. The minimum advance fee of \$100.00 will be required.
16. The permit will remain valid only if annual fees have been paid.
17. The permittee shall notify the authorized officer of any accident that occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.
18. The permit shall not be construed in any way as preventing public use or access on any public lands except as expressly allowed under the permit.



19. Failure to comply with permit stipulations may result in denial of future permit authorizations for these events, or revocation of permits already issued.

#### Ride Operations

20. All motorized equipment activity associated with stopping areas, including Start/Finish, Photo Opportunity, Water, Lunch or Restroom Breaks will be conducted within the traveled portion of the road and/or predetermined stopping locations. No vehicle travel (including parking, turn-around, detours, etc.) outside of this corridor will be permitted unless authorized in advance by the BLM Authorized Officer.
21. All vehicles shall stay on the authorized routes. Straying from the course is prohibited. In the event of vehicle breakdown, vehicles shall be moved to the side of the road, but shall not be moved into areas of existing vegetation. All vehicles shall be removed from the site within 24 hours of the end of the event.
22. No servicing of any motor vehicle will be permitted on any public land. In the event of mechanical trouble, vehicles will be transported to an appropriate service facility or location.
23. In the event of vehicles leaving the established road (for whatever reason), removal of the vehicle and reclamation of disturbed areas will be required to the satisfaction of the BLM Authorized Officer, including raking of surface disturbance, appropriate removal of spilled oil/fuel, re-vegetation, etc.
24. Nothing in this permit implies permission to use non-Federal land administered by the BLM. It shall be the responsibility of the permittee to coordinate the event with Arizona State Lands Department (ASLD) as necessary, and to obtain written authorization to cross or utilize non-BLM administered land such as ASLD, Tribal Lands, Mohave County Road Department, Arizona Department of Transportation, and private property.
25. Under no circumstances shall the permittee permanently mark the routes by placing signs, painting rocks or painting plants.
26. The number of trips per day is limited to ride schedule as stated in the Proposed Action.
27. All gates along the routes shall be left as they are found.
28. Permittee would be responsible for handling emergency situations by calling 911 and/or appropriate emergency services.
29. In the event that a vehicle injures livestock, BLM personnel and/or the grazing permittee in the area will be immediately contacted to make an evaluation of the animal's condition. Under no circumstance will any person other than BLM personnel or the animal's owner be permitted to make a final evaluation of the animal's condition, or to destroy an animal that appears to be suffering.

30. All motor vehicle use will be conducted in a safe manner; reckless driving and/or excessive speed are permit violations.
31. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
32. All motor vehicle use will comply with existing local off-highway vehicle regulations. "Local off-highway vehicle regulations" refer to BLM Off-highway vehicle designations on BLM administered lands as established in the Resource Management Planning process, or in emergency closures authorized by a BLM manager.

#### Roadway Surface Concerns

1. BLM reserves the right to postpone or cancel the tours if weather conditions create a soft road surface that would be conducive to unacceptable road damage by tour vehicles.
2. Permittee would monitor road conditions for ruts greater than two inches deep. If such conditions occur during a run, the motorized operations would cease until road conditions improve.

#### **2. Cultural:**

1. Permittee shall comply with all State and Federal laws relating to prehistoric or historic archaeological sites or artifacts. Actions other than those explicitly approved by the Bureau of Land Management which result in impacts upon archaeological resources, shall be subject to the judicial proceedings of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact, or object of antiquity located on public lands.
2. The collection of artifacts or disturbance of archaeological resources on Federal Lands is prohibited and is prosecutable under the Archaeological Resources Protection Act. Disturbance of human graves are also prohibited. Actions other than those explicitly approved by the Bureau of Land Management, which result in impacts upon archaeological or historical resources, shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended and the Federal Land Policy and Management Act of 1976. The permittee will immediately bring to the attention of the Authorized Officer any archaeological or historical resources encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.
3. Special collection of artifacts (either historic or prehistoric) or fossils, by permittee or participants on or near any designated route is prohibited. The definition of an artifact is anything over 50 years old that has been made, used or modified by a human. Permittee is required to

inform all participants that collecting artifacts, theft or vandalism of any cultural property is a violation of the above mentioned Federal and/or State laws.

### **3. Recreation:**

1. By virtue of the permit, the permittee is allowed to use public routes across public land while conducting a motorized Poker Run on designated routes. Vehicle safety and safe driving techniques are to be stressed to all participants.
2. All permitted designated routes remain open for public use; the permittee has no exclusive use of any public route.
3. All trash and litter, as a result of the activity will be disposed of in a proper manner.
4. All vehicle use is limited to the designated routes: All vehicle use will be conducted in a safe manner, reckless driving and/or excessive speed is a permit violation and is prohibited.
5. No overnight camping use, wood, or rock collection is associated with this permit.
6. The permittee is expected to be familiar with and to practice "Leave No Trace" and "Tread Lightly" land use ethics principles.
7. Permittee and all tour participants are prohibited from stopping at, or entering any and all known and unknown abandoned mine features.
8. Any open mine shafts, abandoned mine structures, and/or wilderness intrusion's observed by the permitted would be documented and reported to the BLM Authorized Officer within 24 hours of discovery.

### **4. Wildlife, Desert Tortoise and Protected Plants:**

1. Desert Tortoise. Care shall be taken not to disturb or destroy tortoises or their burrows. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Law. During all tours special care should be given to watch for and avoid any desert tortoise that may be present on a roadway.
2. Handling of Desert Tortoise. If a tortoise is endangered by any activity that activity shall cease until either the tortoise moves out of harm's way of its own accord, or until the authorized biologist is able to remove the tortoise to safety. Tortoises shall be handled only by a BLM authorized Wildlife Biologist, and shall be moved solely for the purpose of preventing death or injury. The authorized biologist shall be responsible for taking appropriate measures to ensure any desert tortoise relocated from the project site is not exposed to temperature extremes which could be harmful to the animal.
3. Inspection under Vehicles. If a vehicle is left for any occasion the driver shall inspect underneath any parked vehicles immediately prior to moving the vehicles. If a desert tortoise is beneath the vehicle, the authorized Biologist shall move the tortoise from harm's way. Alternatively, the vehicle shall not be moved until the desert tortoise has left of its own accord.
4. Native Plants. State protected plant species shall not be disturbed, damaged, or destroyed without prior authorization from the BLM.
5. All wildlife and migratory birds shall be observed from a distance. Any injured wildlife shall be reported to the Arizona Game & Fish Dept. at (928)342-0091.
6. Harassment of wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. The taking of any threatened or endangered

plant or animal is prohibited.

7. State protected plant species, including all cacti shall not be disturbed, damaged, or destroyed. The taking of any threatened or endangered plant or animal is prohibited.

8. Participants will be prohibited from approaching bighorn sheep on foot or by vehicle.

9. All migratory birds shall be observed from a distance. Any injured wildlife shall be reported to the Arizona Game & Fish Dept. at (928)342-0091.

## **Rationale**

Under the Proposed Action, Rodney Hayes of the Parker 4 Wheelers would host one St. Patrick's Day Poker Run event under a BLM Special Recreation Permit. The project would not have significant effects to the human environment and the Finding of No Significant Impact is hereby incorporated by reference. The decision to allow the Proposed Action does not result in any undue or unnecessary environmental degradation, and is in conformance with the *Lake Havasu Field Office Resource Management Plan*.

## **DECISION**

It is my decision to authorize the Proposed Action as described in Environmental Assessment DOI-BLM-AZ-C030-2013-0016-EA. The Proposed Action will be subject to the stipulations attached to this environmental assessment.

## **APPROVED**

/s/ Jayson Barangan Authenticated: Amanda Deeds      3/12/2013

Kimber Liebhauser, Field Manager  
Lake Havasu Field Office

Date

## **APPEALS**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, AZ 86406 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the Lake Havasu Field Office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### **Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.